

1 AN ACT relating to possession and trafficking of controlled substances.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 218A.135 is amended to read as follows:

- 4 (1) Any statute to the contrary notwithstanding, a *judge may detain a* defendant
5 charged with an offense under this chapter for *up to seventy-two (72) hours. After*
6 *the expiration of the detention or if the judge elects not to detain a defendant and*
7 *a conviction of the offense charged*~~[which a conviction]~~ may result in presumptive
8 probation, *the defendant* shall be placed on pretrial release on his or her own
9 recognizance or on unsecured bond by the court subject to any conditions, other
10 than bail, specified in KRS 431.515 to 431.550.
- 11 (2) *No defendant shall be placed on pretrial release*~~[The provisions of this section~~
12 ~~shall not apply to a defendant]~~ who is found by the court to present a flight risk or to
13 be a danger to others.
- 14 (3) If a court determines that a defendant shall not be released pursuant to subsection
15 (2) of this section, the court shall document the reasons for denying the release in a
16 written order.